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State of Illinois Certification of Participating Manufacturer

PM-1

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Please Review Instructions Prior to Completion.

Part 5: Illinois Directory Verification

Directory Listing for Brand Families (check one)

- ☐ The PM certifies that the brand families listed on the Illinois Directory of Participating Manufacturers posted at www.illinoisattorneygeneral.gov are accurate and correct, as is the manufacturer's name.
- ☐ Corrections to the Illinois Directory of Participating Manufacturers posted at www.illinoisattorneygeneral.gov are attached.
- ☐ The PM is not listed on the Illinois Directory of Participating Manufacturers.

Directory Listing Information for FSC Cigarettes (check one)

For each brand style that the Fire Marshal has approved and for which the Attorney General's Office has approved the Brand Family, provide the following information: Brand Style, Size (100 or King), Flavor, Filter (Y/N), and Package (Soft/Box) as it should be listed on the Illinois Directory.

- ☐ The PM certifies that the brand style information for FSC cigarettes listed on the Illinois Directory of Participating Manufacturers posted at www.illinoisattorneygeneral.gov are accurate and correct, as is the manufacturer's name.
- ☐ Corrections to the Illinois Directory of Participating Manufacturers posted at www.illinoisattorneygeneral.gov are attached.

Part 6: Packaging

For each brand family certified in Part 4, provide original packaging for one brand style which is representative of each brand family. Flat empty cartons are preferred. **Submit new packaging each time you change your packaging or add new brand families.** Packaging for FSC products must be provided when changes are made to the packaging or new FSC products are certified for listing and sale in Illinois. Packaging provided for cigarettes certified in Part 4 must reflect compliance with the Cigarette Fire Safety Standard Act (425 ILCS §8/1, et seq.).

Please provide packaging for each brand family certified in Part 4 of the Annual Certification for LY 2012 that contains similar descriptors to light, mild, or low and provide FDA authorization for such descriptors or confirm that no packaging contains such descriptors. See Section 911(b)(2)(ii) and 911(b)(3) of the Federal Food Drug and Cosmetic Act as amended by the Family Smoking Prevention and Tobacco Control Act (21 USC 387k).

Part 7: Additional Information Requested by Attorney General's Office

All PMs must provide the information requested in this section. Provide a response to each question or indicate N/A. Each attachment must indicate the questions to which it corresponds.

1. For each brand family certified in Part 4, provide the following:
 - a. address of the manufacturing plant(s)
 - b. name, address and phone number of the factory manager(s)
 - c. name and address of each Illinois licensed distributor that distributes your brand families. If the brand families certified in Part 4 are made by some entity other than the PM, please provide the name, address and contact name for the fabricator and a copy of any agreement or contract between the fabricator and the PM regarding the manufacture and/or sale of each brand family.
2. A copy of your current U.S. Treasury Tobacco Tax Bureau (TTB) permit as a manufacturer and/or as an importer as required by 26 U.S.C. §5712 and §5713. Foreign TPMs should provide importer permits for each company that will import its cigarettes into the United States and the name, address and contact information for each importer.
3. Name, address and phone number of the Trademark owner and any license agreement or other document providing permission to the PM to use the trademark for each of the brand families certified in Part 4 of the PM-1 certification form.
4. For each brand family (cigarettes only) certified in Part 4, provide the name and address of the entity that submitted the ingredient reporting information to the U.S. Secretary of Health and Human Services as required by the Federal Cigarette Labeling and Advertising Act (15 U.S.C. §1335a) and attach copies of all certificates of compliance.
5. For each brand family certified in Part 4, provide proof of the submittal to FDA of the disclosure of tobacco product ingredients that was due by June 2010 as required by §904 of the Federal Food, Drug and Cosmetic Act (FFDC) as amended by the Family Smoking Prevention and Control Act (21 USC 387d). Please note that importers or their agents must submit the information to FDA for foreign tobacco product manufacturers.



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Part 7: Additional Information Requested by Attorney General's Office

6. For each brand family (cigarettes only) certified in Part 4, provide a copy of the current FTC rotation plan approval letter and the name and address of the entity that filed the health warning rotation plan with the FTC.
7. Provide a notarized statement that the brand styles you are attempting to certify are not banned effective September 22, 2009 by the FDA legislation that bans additives, including artificial or natural flavors that are characterizing flavors of tobacco product other than tobacco or menthol. See Section 907(a)(1)(A) of the Federal Food, Drug and Cosmetic Act (FFDC) as amended by the Family Smoking Prevention and Tobacco Control Act (FSPTC).
8. Provide documentation that all required payments have been made for all cigarette brands for 2012 pursuant to the Tobacco Transition Payment Program as required by Federal law under The Fair and Equitable Tobacco Reform Act of 2004 (P.L. 108-357).
9. If PM intends to sell or authorizes any other entity to sell any cigarettes or roll-your-own by mail order or through the internet, provide the internet website and/or identify publications. Attach copies of all reports, if any, filed with the Illinois Dept. of Revenue to comply with the Jenkins Act (Chapter 10A of Title 15 of the U.S. Code, Section 375 et seq.) for sales in 2010. Attach copies of any agreements authorizing another to sell your brand families by mail order or through the internet.
10. Provide a complete list of "Little Cigars" that PM or a subsidiary or parent company of PM manufactures. See definition of "Little Cigars" in Instructions. Please provide packaging for any "Little Cigar" on the Illinois Department of Revenue list of cigars classified as cigarettes on or after July 1, 2012 or which continue to be taxed under OTP tax.
11. Provide a complete list of other tobacco products (e.g. cigars, pipe tobacco, smokeless tobacco, etc.) that PM or a subsidiary or parent company of PM manufactures no matter where sold; time periods for manufacture of those brands; and the place of manufacture for those brands.
12. If PM sells or authorizes any other entity to sell any E-Cigarettes, provide a complete list of such E-cigarette brands. In addition, provide packaging for the E-cigarettes and any advertisements as well as a list of publications where the E-cigarettes are advertised. Also, confirm whether any claims have been made that the E-cigarettes are a smoking cessation device or that the product is a safer product than cigarettes or other tobacco products.

Part 8: Manufacturer Certification

Under penalties of perjury, I state that, to the best of my knowledge, all of the information contained in this Certification and any attached documents are true and accurate. ***This document must be signed and dated by an authorized notary public.***

Name and Title of Authorized Designee
(Print)

Signature of Authorized Designee

Date

Subscribed and sworn
to me this date:

Signature of Notary Public

County

Commission expires

**Mail to: Illinois Attorney General
Tobacco Enforcement Bureau
500 South Second Street
Springfield, IL 62706**

For Additional Forms and Information
Phone (217) 785-8541
Fax (217) 524-4701
www.IllinoisAttorneyGeneral.gov (click on Tobacco)



Instructions for Certification of Participating Manufacturer

PM-1

Instructions

General Information

What is a Participating Manufacturer?

A Participating Manufacturer (PM) is any cigarette (including RYO) manufacturer who has signed on to the tobacco Master Settlement Agreement (MSA).

Who must file this Certification?

Any Participating Manufacturer whose cigarettes or roll-your-own tobacco (RYO) were sold in Illinois during the preceding calendar year or who intend for their brands to be listed in the Illinois Directory of Participating Manufacturers. If a brand is not listed in this certification, it will not be listed in the Directory.

It is unlawful to stamp or offer for sale in the State of Illinois any cigarette or RYO brand which is not included in the Illinois Directory of Participating Manufacturers or Directory of Compliant NPMs.

When is this Certification due?

An annual certification must be filed with the Attorney General no later than April 30 of each year. An initial certification may be filed at any time.

Updates

The PM shall update its certification list at least 30 days prior to any addition to or modification of the PM's brand families by executing and delivering a supplemental certification to the Attorney General.

Special Instructions

Part 1: Liability Year and Type of Certification

- Check appropriate liability year. You must submit a separate certification for each year.
- If "Other" is checked, enter liability year for which certification is being provided.
- Check whether this is an initial (manufacturer is not currently listed on the Illinois Directory), annual (due April 30, 2013 for 2012 sales), or supplemental (change of information provided to the Attorney General).

Part 2: Manufacturer Identification

Provide your company name, address, phone and fax numbers, web address, FEIN, and name and title of the person completing the form.

Part 3: Designated Contact

Provide the name, title, address, phone and fax numbers, and e-mail address for the individual the Attorney General should contact with respect to matters relating to this certification. The designated contact is the individual who will receive Attorney General mailings, including the annual certification mailing.

Part 4: Brand Family Certification

- Brand Family: Provide the brand name, which could include many brand styles (menthol, 100's, etc.) Do not list each style in Part 4.
- Identify each Brand Family of all cigarettes that the PM intends to sell in Illinois, either directly or indirectly through any distributor, retailer or similar intermediary, and seeks to have included in the Directory.
- Indicate by an asterisk (*) brand families which are NOT certified for sale in Illinois but which are deemed to be its cigarettes for purposes of calculating payments under the MSA.
- Check whether the product is cigarettes or RYO.
- Where a brand is offered as both cigarettes and RYO, make a separate entry for each.
- A Brands Addendum page is included with the certification packet and is available on the Attorney General's website. Copy as needed.

Part 5: Illinois Directory Verification

- Mark the applicable box and provide any corrections for brand families.
- Mark the applicable box and provide listing information for FSC cigarettes, including brand style, size (100 or Kings), flavor, filter (y/n) and package (soft or box) as it should be listed on the Illinois Directory.

Part 6: Packaging

- Provide original packaging for one style which is representative of each brand family certified.
- Packaging provided for cigarettes must reflect compliance with the Cigarette Fire Safety Standard Act (425 ILCS §8/1 *et seq.*)
- Submit new packaging each time you change your packaging or add new brand families.
- Provide packaging for all brand styles that contain descriptors including "light," "mild," or "low" or similar descriptors and provide any approvals of the FDA for such descriptors.

Part 7: Additional Information Requested by the Attorney General's Office

Provide the information requested. The Attorney General may require a tobacco product manufacturer to submit any additional information including, but not limited to, samples of the packaging or labeling of each brand family, as is necessary to enable the Attorney General to determine whether a tobacco product manufacturer is in compliance with the Escrow Enforcement Act of 2003 (30 ILCS 167/25(d)).

Part 8: Manufacturer Certification

The authorized designee executing the certification must be an officer, principal, director or other authorized representative of the manufacturer. The authorized designee's name and title must be legibly printed and the signature must be notarized.



Instructions for Certification of Participating Manufacturer

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Instructions

Illinois Department of Revenue List of Cigars

- The Department has provided the list to assist distributors in classifying their products. The list contains two parts. The first part identifies items the Department considers to be "cigarettes" under the expanded definition. The second part identifies products that the Department does NOT consider to be "cigarettes" under the expanded definition.
- The list is NOT all inclusive. It is provided to demonstrate the type of products that are now included in or excluded from the expanded definition of "cigarette."
- Distributors selling a product that is not listed should compare that product with the items on this list. If questions remain, distributors should either send a sample or detailed photographs of their product to the Department's Alcohol, Tobacco and Fuel Division, P.O. Box 19018, Springfield, IL 62794-9018, or call the Division at 217-782-6045.

A link to the Revenue Notice is posted on the OAG website illinoisattorneygeneral.gov (click on tobacco on bottom bar and then on Illinois Department of Revenue Information).

Classified as cigarette on and after July 1, 2012:

- Dark Horse 100s (20 pack, various flavors)
- Golden Harvest cigars (20 pack, various flavors)
- Red Buck cigars (20 pack, various flavors)
- Santa Fe Cigars (20 pack, various flavors)
- Muriel Sweets (20 pack, various flavors)
- Remington cigars (20 pack, various flavors)
- Wranger 100s (20 pack, various flavors)
- King Edward cigars (20 pack)
- Cheyenne 100s (20 pack, various flavors)
- Bella Cigars (20 pack, various flavors)
- Black & Mild Filter Tips (FT) 7 pack
- Swisher Sweets Little cigars (20 pack, various flavors)
- Swisher Sweets Filter Tip Cigars, slide box (16 pack)
- Black Stone Cigars (20 pack, various flavors)
- E. Nobel Petit Small Cigars (20 pack, various flavors) (clam shell box)
- Villiger Premium No. 6 sumatra (10 pack, metal flip box; product has plastic tip with cellulose filter)
- Villiger Premium Sweets Filter (10 pack, metal flip box)
- Moods Filter Premium Cigarillos (10 pack)
- Al Capone Sweets filter (10 pack, all varieties)
- Al Capone Sweets filter, Cognac dipped, 2 pack
- Lex 12 filtered little cigars (12 pack)

Continue to be taxed under Other Tobacco Products Tax on and after July 1, 2012:

- Swisher Sweets Cigarillos, 2 pack foil wrapper (blueberry and other flavors)
- Black & Mild Shorts -plastic tip - 5 pack
- Phillies Cigarillos 5 pack (Strawberry and other flavors)
- Garcia y Vega Cigarillos -3 cut-end cigars in foil wrapper
- Parodi 5 Toscani Cigars
- Swisher Sweets Cigarillos 5 pack individually foil wrapped (White Grape and other flavors)
- White Owl Cigarillos (5 pack, individually foil wrapped, various flavors including Grape, Strawberry, Silver, Sweets)
- Swisher Sweets Mini Cigarillos (6 pack), individually foil wrapped
- Clipper Cigarillos (60 pack, various flavors, including white grape and strawberry)
- Clipper Cigarillos, 2 pack foil wrapper, double apple flavor
- A y C Grenadier Whiffs Cigars, 6 pack
- Black and Mild Shorts singles - plastic tip

Definition:

- "Little Cigars" as used in Part 7 refer to "any roll for smoking made wholly or in part of tobacco labeled as anything other than a cigarette or not bearing a label", if it meets two or more of the following criteria:
 - The product is sold in packs similar to cigarettes; [i.e., sold in packs of 20/25]
 - The product is available for sale in cartons of ten packs;
 - The product is sold in soft packs, hard packs, flip-top boxes, clam shells, or other cigarette-type boxes;
 - The product is of a length and diameter similar to commercially-manufactured cigarettes; [i.e., 125 millimeters or less in length and 10 millimeters or less in diameter.
 - The product has a cellulose acetate or other integrated filter;
 - The product is marketed or advertised to consumers as a cigarette or cigarette substitute; or
 - Any other evidence that the product fits within the definition of cigarette.
- Little Cigars also include any brands that continue to be taxed under OTP tax on or after July 1, 2012. See Revenue List on Little Cigar/Cigarette Addendum for type of products that are excluded from the expanded definition of "cigarette."